



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Zyskind et al.
Serial No. : 09/805,664
Filed : March 13, 2001
Title : METHODS FOR IDENTIFYING ANTI-MICROBIAL AGENTS (AMENDED)

Art Unit : 1637
Examiner : Jeffrey Norman Fredman, Ph.D.

MAIL STOP RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE AND AMENDMENT

Sir:

Responsive to the final Office Action mailed February 05, 2003, Applicants respectfully request entry of the amendments and consideration of the remarks set forth herein. A Notice of Appeal was mailed August 05, 2003. Thus, the response is initially due October 05, 2003. Accordingly, this Response is timely filed.

This response is accompanied by a request for continued examination (RCE) under 37 C.F.R. §1.114. Thus, the finality of the outstanding final office action will be withdrawn and Applicants are entitled to have this first submission for this RCE entered and considered on the merits.

The amendments are reflected in the listing of claims which begin on page 2 of this paper. Remarks begin on page 18 of this paper.

The following documents are also enclosed herewith:

- Postcard and Check;
- Request for continued examination under 37 C.F.R. §1.114;
- Declaration of Gordon Foulkes, Ph.D.; and
- Declaration of Dr. Robert W. Simmons, Ph.D.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

October 6, 2003

Date of Deposit

Signature

Jeanne Amour-Rice

Typed or Printed Name of Person Signing Certificate